

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

WILLIAM T. JACKLING,

Plaintiff,

v.

HSBC BANK USA, N.A.
and HSBC MORTGAGE CORPORATION
(USA),

Defendants.

NOTICE OF MOTION *IN*
LIMINE

Case No. 6:15-cv-06148-FPG

Upon the annexed Declaration of Chad W. Flansburg, Esq., dated August 15, 2019, with the exhibit attached thereto, Defendants' Memorandum of Law, dated August 15, 2019, and upon all prior papers, pleadings, and proceedings in this action, Defendants HSBC Bank USA, N.A. ("HSBC Bank") and HSBC Mortgage Corporation (USA) ("HSBC Mortgage") (collectively "HSBC" or "Defendants") will move this Court, Hon. Frank P. Geraci, Jr., Chief U.S.D.J., for an Order to preclude Plaintiff William T. Jackling ("Jackling") from:

1. submitting evidence relating to the four (4) alleged credit denial letters at issue in this action (the September 14, 2014, Dorschel North credit denial; the February 13, 2015, Summit Federal Credit Union denial for vehicle financing from Cortese Ford Lincoln Mercury; the February 23, 2015, TD Auto Finance denial for vehicle financing from Cortese Ford; and the March 6, 2015, Fifth Third Bank denial for vehicle financing from Valenti Ford) (collectively the "credit denial letters");

2. from calling witness David M. Kaplan, Esq. to testify to matters and statements provided to Hon. Marion W. Payson in August 2017, as part of judicially sponsored settlement discussions;

3. from calling witnesses Sheila Ferguson and Janet Pyzer Young to testify regarding HSBC's alleged policy with respect to closing documents;

4. from Jackling testifying that he was never late with his mortgage payments and damages related to alleged credit denials from Dorschel North and Cortese Ford;

5. from calling witness Jules Steele to testify regarding damages; and

6. granting Defendants such other and further relief as to the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that movant intends to file and serve reply papers, and the opposing party is therefore required to file and serve opposing papers at least fourteen (14) days prior to the return date set by the Court.

Dated: Rochester, New York
August 15, 2019

PHILLIPS LYTLE LLP

By: /s/ Chad W. Flansburg
Chad W. Flansburg
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